

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

JOHN BOWMAN, et al.,

Plaintiffs,

v.

ROBERT L. CHAMBERS, et al.,

Defendants.

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Case No. 4:21-CV-1406 NAB

MEMORANDUM AND ORDER

This matter is before the Court on Movants’ motion to consolidate this action with *Becky Arps, et al. v. Robert L. Chambers, et al.*, Cause Number 4:21-cv-1410-HEA. (Doc. 10.) Movants are the Plaintiffs in the *Arps* matter: Becky Arps, Rene Artman, Adam Bohn, Tim Fitch, Mark Harder, Lisa Kaliski, Kelly Stavros, Ernie Trakas, and Richard Wolfe (“Movants” or “the Arps Plaintiffs”). All parties have consented to the jurisdiction of the undersigned United States Magistrate Judge pursuant to 28 U.S.C. § 636(c).¹ (Doc. 11.) Because these cases involve the same parties and factual and legal issues, the motion to consolidate will be granted.

Rule 42(a) of the Federal Rules of Civil Procedure governs consolidation of cases and provides as follows:

When actions involving a common question of law or fact are pending before the court, it may order a joint hearing or trial of any or all of the matters in issue in the actions; it may order all the actions consolidated; and it may make such orders concerning proceedings therein as may tend to avoid unnecessary costs or delay.

Fed. R. Civ. P. 42(a). The Court has broad discretion to order consolidation. *See Enterprise Bank v. Saettler*, 21 F.3d 233, 235 (8th Cir. 1994). The threshold issue is whether the proceedings involve a common party and common issues of fact or law. *Id.*

¹ On December 10, 2021, the Arps Plaintiffs proactively submitted their consent to the undersigned’s jurisdiction.

Both the *Bowman* case and the *Arps* case stem from the St. Louis County Council Reapportionment Commission's ("Reapportionment Commission") failure to adopt or file a plan to reapportion the boundaries of the St. Louis County Council districts (the "Districts") prior to their deadline on November 28, 2021. Plaintiffs John Bowman, Karen Cloyd, Glenn Koenen, Susan Meredith, Tommie Pierson, Jr., Dana Sandweiss, and Brian Wingbermuehle (collectively "the Bowman Plaintiffs") are registered voters from all seven Council Districts in St. Louis County. On November 30, 2021, the Bowman Plaintiffs filed a Complaint for declaratory judgment against the members of the St. Louis County Board of Election Commissioners ("Board") in their official capacity. The Bowman Plaintiffs seek a declaration that the current Council Districts are unequal in population and violate constitutional requirements. They also request that the Court reapportion and redraw the Council Districts as soon as practicable and before candidacy filing opens on February 22, 2022.

The Arps Plaintiffs are also registered voters in St. Louis County, and some are members of the Reapportionment Commission or elected representatives in their respective Council Districts. On November 30, 2021, the Arps Plaintiffs also filed a Complaint for declaratory judgment against the members of the St. Louis County Board of Election Commissioners in their official capacity. The three counts in their original Complaint are for declaratory judgment, application of the Voting Rights Act, and enforcement of constitutional protections. On December 10, 2021, the Arps Plaintiffs filed their First Amended Complaint, adding an additional claim against John Doe Defendants 1 through 20 for conspiracy to interfere with civil rights.

The plaintiffs seek overlapping relief against the same Defendants, with the exception of the Arps Plaintiffs' conspiracy claim against the John Doe Defendants. Defendants consent to the consolidation of the cases. (Doc. 14.) The Bowman Plaintiffs do not object to the consolidation as

long as the Arps Plaintiffs file their submission as to whether they consent to the jurisdiction of a Magistrate Judge within twenty-four hours after the granting of the motion for consolidation. Plaintiffs explain that this request is to ensure there is not unnecessary delay in scheduling trial and other proceedings as the case moves forward. The Arps Plaintiffs have complied with this request.²

In light of the circumstances, the Court finds that consolidation of the two proceedings will serve the interests of convenience and economy in administration and avoid unnecessary cost or delay.

Accordingly,

IT IS HEREBY ORDERED that the Arps Plaintiffs' motion to consolidate is **GRANTED**. (Doc. 10.)

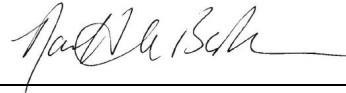
IT IS FURTHER ORDERED that this case is consolidated with *Becky Arps, et al. v. Robert L. Chambers, et al.*, Cause Number 4:21-cv-1410, for all purposes.

IT IS FURTHER ORDERED that from this date forward all papers shall be filed in this case only, that no further pleadings or papers be filed in Cause Number 4:21-cv-1410 and that Cause Number 4:21-cv-1410 is administratively closed.

IT IS FINALLY ORDERED that a status and scheduling conference will be held on **Monday, December 20, 2021, at 2:30 pm**. The conference will take place via Zoom. Participants will receive a separate email with a link to join the hearing by Zoom. Members of the general public who wish to listen in to the hearing are directed to call one of the following numbers to participate by phone: 1-669-254-5252, Meeting ID: 161 697 3358, Password: 498004. Pursuant to

² After the Bowman Plaintiffs filed their response requesting that the Arps Plaintiffs consent to the undersigned's jurisdiction, the Arps Plaintiffs filed a First Amended Complaint in Cause No. 4:21-cv-1410 adding John Doe Defendants. Upon consolidation, the undersigned will still not have full consent of all parties, as the Court is unable to obtain consent from John Doe Defendants.

Local Rule 13.02, all means of photographing, recording, broadcasting, and televising are prohibited in any courtroom, and in areas adjacent to any courtroom, except when authorized by the presiding judge. This includes proceedings ordered by the Court to be conducted by phone or video.

A handwritten signature in black ink, appearing to read "Nannette A. Baker", written over a horizontal line.

NANNETTE A. BAKER
UNITED STATES MAGISTRATE JUDGE

Dated this 14th day of December, 2021.